

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

_____)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
-----)	

**ORDER GRANTING DEBTORS' FIFTY-FIRST OMNIBUS OBJECTION
TO CLAIMS (BORROWER BOOKS AND RECORDS CLAIMS –
RES JUDICATA AND WRONG DEBTOR)**

Upon the fifty-first omnibus objection to claims, dated November 8, 2013 [Docket No. 5646] (the “Fifty-First Omnibus Claims Objection”)¹ of Residential Capital, LLC and its affiliated debtors in the above-referenced Chapter 11 Cases, as debtors and debtors in possession (collectively, the “Debtors”), seeking entry of an order, pursuant to section 502(b) of title 11 of the United States Code (the “Bankruptcy Code”), Rule 3007(d) of the Federal Rules of Bankruptcy Procedure, and this Court’s order approving procedures for the filing of omnibus objections to proofs of claim (ECF Doc. # 3294) (the “Procedures Order”), disallowing and expunging the No Liability Borrower Claims on the basis that such claims are invalid under principles of res judicata and/or having been filed against the wrong debtor entity, all as more fully described in the Fifty-First Omnibus Claims Objection; and it appearing that this Court has jurisdiction to consider the Fifty-First Omnibus Claims Objection pursuant to 28 U.S.C. §§ 157 and 1334; and consideration of the Fifty-First Omnibus Claims Objection and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409; and due and proper notice of

¹ Capitalized terms used herein and not otherwise defined herein shall have the meanings ascribed to such terms in the Fifty-First Omnibus Claims Objection.

the Fifty-First Omnibus Claims Objection having been provided, and it appearing that no other or further notice need be provided; upon consideration of the Fifty-First Omnibus Claims Objection and the Declaration of Lauren Graham Delehey, the Declaration of Norman S. Rosenbaum and the Declaration of Robert D. Nosek, annexed to the Fifty-First Omnibus Claims Objection as Exhibits 1–3, respectively; and the Court having found and determined that the relief sought in the Fifty-First Omnibus Claims Objection is in the best interests of the Debtors, their estates, creditors, and all parties in interest and that the legal and factual bases set forth in the Fifty-First Omnibus Claims Objection establish just cause for the relief granted herein; and the Court having determined that the Fifty-First Omnibus Claims Objection complies with the Borrower Claim Procedures set forth in the Procedures Order; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Fifty-First Omnibus Claims Objection is granted to the extent provided herein; and it is further

ORDERED that, pursuant to section 502(b) of the Bankruptcy Code, the claims listed on Exhibit A annexed hereto under the heading “Claims to be Disallowed and Expunged” (collectively, the “No Liability Borrower Claims”) are disallowed and expunged with prejudice; and it is further

ORDERED that Kurtzman Carson Consultants LLC, the Debtors’ claims and noticing agent, is directed to disallow and expunge the No Liability Borrower Claims identified on the schedule attached as Exhibit A hereto so that such claims are no longer maintained on the Debtors’ claims register; and it is further

ORDERED that the following matter relating to the No Liability Borrower Claims shall be adjourned to the omnibus hearing scheduled for January 30, 2014 at 10:00 a.m. (EST):

- Jamie L. Gindele (Claim Nos. 5422 and 5431)

ORDERED that the Debtors are authorized and empowered to take all actions as may be necessary and appropriate to implement the terms of this Order; and it is further

ORDERED that notice of the Fifty-First Omnibus Claims Objection, as provided therein, shall be deemed good and sufficient notice of such objection, and the requirements of Bankruptcy Rule 3007(a), the Case Management Procedures entered on May 23, 2012 (ECF Doc. # 141), the Procedures Order, and the Local Bankruptcy Rules of this Court are satisfied by such notice; and it is further

ORDERED that this Order has no res judicata, estoppel, or other effect on the validity, allowance, or disallowance of any claim not listed on Exhibit A annexed to this Order, and the Debtors' and any party in interest's rights to object on any basis are expressly reserved with respect to any such claim not listed on Exhibit A annexed hereto; and it is further

ORDERED that this Order shall be a final order with respect to each of the No Liability Borrower Claims identified on Exhibit A, annexed hereto, as if each such No Liability Borrower Claim had been individually objected to; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

Dated: December 19, 2013
New York, New York

/s/Martin Glenn
MARTIN GLENN
United States Bankruptcy Judge

Exhibit A

In re RESIDENTIAL CAPITAL, LLC, et al. (CASE NO. 12-12020 (MG)) (JOINTLY ADMINISTERED)

FIFTY-FIRST OMNIBUS OBJECTION TO CLAIMS (BORROWER BOOKS AND RECORDS CLAIMS – RES JUDICATA AND WRONG DEBTOR)

Claims to be Disallowed and Expunged									
	Name of Claimant	Claim Number	Date Filed	Claim Amount	Asserted Debtor Name	Asserted Case Number	Reason(s) for Disallowance	State Where Underlying Judgment was Issued	Relevant Page(s) of Objection
1	Dirk Beukes and Gesina Beukes vs GMAC Mortgage LLC as Successor in Interest to Homecomings Financial LLC Mortgage et al KEOGH LAW OFFICE PO BOX 11297 ST PAUL, MN 55111	3724	11/08/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$30,813.68 General Unsecured	GMAC Mortgage, LLC	12-12032	Res Judicata Claim	Federal	8-9
2	DUNHAM, ELMER, BARKER, CHARLES III CHARLES BARKER III ELMER V DUNHAM VS GMAC MRTG ALLY FINANCIAL INC JP MORGAN CHASE BANK WELLS FARGO BANK WELLS FARG ET AL 4110 SE Hawthorne Blvd, # 266 Portland, OR 97214	1005	10/05/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$148,652.23 Secured \$0.00 Priority \$0.00 General Unsecured	Residential Capital, LLC	12-12020	Res Judicata Claim	Federal	8-9
3	Janos Farkas 9600 Escapment Blvd. Suite 745-43 Austin, TX 78749	5597	11/16/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$60,000.00 General Unsecured	GMAC Mortgage, LLC	12-12032	Res Judicata Claim	Texas	8-9
4	Joycelyn W. Unciano, pro se COLEEN ETSUKO TOM & JOYCELYN WANDA UNCIANO VS GMAC MRTG LLC DAVID B ROSEN, ESQUIRE, KRISTINE WILSON, INDIVIDUALLY & IN ET AL 91-590 Farrington Hwy 210-226 Kapolei, HI 96707	4091	11/09/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$1,500,000.00 Secured \$0.00 Priority \$0.00 General Unsecured	GMAC Mortgage, LLC	12-12032	Res Judicata Claim	Federal	8-9
5	Leland Anthony Neyer and June E Neyer Leland and June Neyer 324 North Main Street P.O. Box 970 Alturas, CA 96101-0970	603	09/17/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$500,000.00 General Unsecured	Residential Capital, LLC	12-12020	Res Judicata Claim	Federal	8-9
6	Marlene Kraft 24684 Hathaway Farmington Hills, MI 48334	2359	11/05/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$400,000.00 General Unsecured	Residential Capital, LLC	12-12020	Res Judicata Claim	Michigan	8-9
7	NGUYEN, DIEM TRANG DIEM T NGUYEN VS NATIONSTAR MORTGAGE LLC FANNIE MAE QUALITY LOAN SVCS INC SUMMERGREEN HOMEOWNERS ASSOC HUNTINGTON WE ET AL PO BOX 12139 WESTMINSTER, CA 92685	3725	11/08/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority UNLIQUIDATED General Unsecured	Residential Capital, LLC	12-12020	Res Judicata Claim	Federal	8-9
8	Philip Zuzolo, Esq., Zuzolo Law Offices on behalf of Richard & Margaret Giuliano Philip Zuzolo, Esq., Zuzolo Law Offices GMAC MORTGAGE LLC, FKA GMAC MORTGAGE CORP DBA DITECH.COM, PLAINTIFF, VS. RI 700 Youngstown-Warren Rd.	3764	11/08/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority UNLIQUIDATED General Unsecured	Residential Capital, LLC	12-12020	Res Judicata Claim	Ohio	8-9
9	Renee Sheree (Hopper) O Carolan Law Offices of Wanda J. Harkness 406 Sterzing Street Austin, TX 78704	4393	11/09/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$95,487.52 General Unsecured	Residential Capital, LLC	12-12020	Res Judicata Claim	Federal	8-9

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Claims to be Disallowed and Expunged									
	Name of Claimant	Claim Number	Date Filed	Claim Amount	Asserted Debtor Name	Asserted Case Number	Reason(s) for Disallowance	State Where Underlying Judgment was Issued	Relevant Page(s) of Objection
10	Sebastian J. Filgueira 11821 Balmoral Lane Houston, TX 77024	4905	11/16/2012	UNLIQUIDATED Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$0.00 General Unsecured	Homecomings Financial, LLC	12-12042	Res Judicata Claim; Wrong Debtor Claim	Federal	8-9
11	Sebastian J. Filgueira 11821 Balmoral Lane Houston, TX 77024	4906	11/16/2012	UNLIQUIDATED Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$0.00 General Unsecured	GMAC Mortgage USA Corporation	12-12031	Res Judicata Claim; Wrong Debtor Claim	Federal	8-9
12	Sebastian J. Filgueira 11821 Balmoral Lane Houston, TX 77024	4907	11/16/2012	UNLIQUIDATED Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$0.00 General Unsecured	Residential Capital, LLC	12-12020	Res Judicata Claim; Wrong Debtor Claim	Federal	8-9
13	Sebastian J. Filgueira 11821 Balmoral Lane Houston, TX 77024	4908	11/16/2012	UNLIQUIDATED Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$0.00 General Unsecured	Executive Trustee Services, LLC	12-12028	Res Judicata Claim; Wrong Debtor Claim	Federal	8-9
14	Sebastian J. Filgueira 11821 Balmoral Lane Houston, TX 77024	4909	11/16/2012	UNLIQUIDATED Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$0.00 General Unsecured	GMAC Mortgage, LLC	12-12032	Res Judicata Claim	Federal	8-9
15	Sebastian J. Filgueira 11821 Balmoral Lane Houston, TX 77024	4952	11/16/2012	UNLIQUIDATED Administrative Priority \$0.00 Administrative Secured UNLIQUIDATED Secured UNLIQUIDATED Priority UNLIQUIDATED General Unsecured	Residential Funding Mortgage Securities I, Inc.	12-12060	Res Judicata Claim; Wrong Debtor Claim	Federal	8-9
16	Sebastian J. Filgueira 11821 Balmoral Lane Houston, TX 77024	4953	11/16/2012	UNLIQUIDATED Administrative Priority \$0.00 Administrative Secured UNLIQUIDATED Secured UNLIQUIDATED Priority UNLIQUIDATED General Unsecured	Residential Funding Mortgage Securities II, Inc.	12-12061	Res Judicata Claim; Wrong Debtor Claim	Federal	8-9
17	Sebastian J. Filgueira 11821 Balmoral Lane Houston, TX 77024	4954	11/16/2012	UNLIQUIDATED Administrative Priority \$0.00 Administrative Secured UNLIQUIDATED Secured UNLIQUIDATED Priority UNLIQUIDATED General Unsecured	Homecomings Financial Real Estate Holdings, LLC	12-12040	Res Judicata Claim; Wrong Debtor Claim	Federal	8-9
18	Wayne Davenport Re 2101 Palm Canyon Court c/o Mark L. Jackson, Esq Vannah and Vannah 400 S 4th St 6th Fl Las Vegas, NV 89101	5064	11/15/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$510,000.00 General Unsecured	Homecomings Financial, LLC	12-12042	Res Judicata Claim	Nevada	8-9

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	Name of Claimant	Claim Number	Date Filed	Claim Amount	Asserted Debtor Name	Asserted Case Number	Reason(s) for Disallowance	State Where Underlying Judgment was Issued	Relevant Page(s) of Objection
19	Wayne Davenport Re 7637 Sierra Paseo Lane c/o Mark L. Jackson, Esq Vannah and Vannah 400 S 4th St 6th Floor Las Vegas, NV 89101	5065	11/15/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$253,800.00 General Unsecured	GMAC Mortgage, LLC	12-12032	Res Judicata Claim	Nevada	8-9
20	Wes W. Johnson aka Weslie Johnson Wes W. Johnson c/o James H. Seymour, Counselor at Law Post Office Box 1758 Crystal Bay, NV 89402-1758	4389	11/09/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$3,000,000.00 General Unsecured	Homecomings Financial, LLC	12-12042	Res Judicata Claim	Federal	8-9
21	Wes W. Johnson aka Weslie Johnson Wes W. Johnson c/o James H. Seymour, Counselor at Law Post Office Box 1758 Crystal Bay, NV 89402-1758	4390	11/09/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$2,000,000.00 General Unsecured	Executive Trustee Services, LLC	12-12028	Res Judicata Claim	Federal	8-9
22	Wes W. Johnson aka Weslie Johnson c/o James H. Seymour, Counselor at Law Post Office Box 1758 Crystal Bay, NV 89402	4391	11/09/2012	\$0.00 Administrative Priority \$0.00 Administrative Secured \$0.00 Secured \$0.00 Priority \$3,000,000.00 General Unsecured	GMAC Mortgage, LLC	12-12032	Res Judicata Claim	Federal	8-9